

THE RACKETEERED INFLUENCED AND CORRUPT ORGANIZATION LAW AS FOLLOWS:

(a) Whoever violates any provision of [section 1962 of this chapter](#) shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a [racketeering activity](#) for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United [States](#), irrespective of any provision of [State](#) law—

(1) any interest the [person](#) has acquired or maintained in violation of section 1962;

(2) any—

(A) interest in;

(B) security of;

(C) claim against; or

(D) property or contractual right of any kind affording a source of influence over; any [enterprise](#) which the [person](#) has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

(3) any property constituting, or derived from, any proceeds which the [person](#) obtained, directly or indirectly, from [racketeering activity](#) or [unlawful debt](#) collection in violation of section 1962. The court, in imposing sentence on such [person](#) shall order, in addition to any other sentence imposed pursuant to this section, that the [person](#) forfeit to the United [States](#) all property described in this subsection. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

(b) Property subject to criminal forfeiture under this section includes—

(1) real property, including things growing on, affixed to, and found in land; and

(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

(c) All right, title, and interest in property described in subsection (a) vests in the United [States](#) upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a [person](#) other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United [States](#), unless the transferee establishes in a hearing pursuant to subsection (l) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

(d)(1) Upon application of the United [States](#), the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

(A) upon the filing of an indictment or information charging a violation of [section 1962 of this chapter](#) and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

(B) prior to the filing of such an indictment or information, if, after notice to [persons](#) appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United [States](#) will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the United [States](#) without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United [States](#) demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than fourteen days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

(e) Upon conviction of a [person](#) under this section, the court shall enter a judgment of forfeiture of the property to the United [States](#) and shall also authorize the [Attorney General](#) to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United [States](#), enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United [States](#) in the property ordered forfeited. Any income accruing to, or derived from, an [enterprise](#) or an interest in an [enterprise](#) which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the [enterprise](#) which are required by law, or which are necessary to protect the interests of the United [States](#) or third parties.

(f) Following the seizure of property ordered forfeited under this section, the [Attorney General](#) shall direct the disposition of the property by sale or any other commercially feasible

means, making due provision for the rights of any innocent [persons](#). Any property right or interest not exercisable by, or transferable for value to, the United [States](#) shall expire and shall not revert to the defendant, nor shall the defendant or any [person](#) acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United [States](#). Upon application of a [person](#), other than the defendant or a [person](#) acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding [31 U.S.C. 3302\(b\)](#), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The [Attorney General](#) shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

(g) With respect to property ordered forfeited under this section, the [Attorney General](#) is authorized to—

(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent [persons](#) which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

(2) compromise claims arising under this section;

(3) award compensation to [persons](#) providing information resulting in a forfeiture under this section;

(4) direct the disposition by the United [States](#) of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent [persons](#); and

(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

(h) The [Attorney General](#) may promulgate regulations with respect to—

(1) making reasonable efforts to provide notice to [persons](#) who may have an interest in property ordered forfeited under this section;

(2) granting petitions for remission or mitigation of forfeiture;

(3) The restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

(4) the disposition by the United [States](#) of forfeited property by public sale or other commercially feasible means;

(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any [person](#) with respect to the disposition of property under the customs law shall be performed under this chapter by the [Attorney General](#).

(i) Except as provided in subsection (l), no party claiming an interest in property subject to forfeiture under this section may—

(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(2) commence an action at law or equity against the United [States](#) concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

(j) The district courts of the United [States](#) shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

(k) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United [States](#) the court may, upon application of the United [States](#), order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

(l)

(1)

Following the entry of an order of forfeiture under this section, the United [States](#) shall publish notice of the order and of its intent to dispose of the property in such manner as the [Attorney General](#) may direct. The Government may also, to the extent practicable, provide direct written notice to any [person](#) known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those [persons](#) so notified.

(2)

Any [person](#), other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United [States](#) pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

(3)

The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

(4)

The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a [person](#) other than the defendant under this subsection.

(5)

At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United [States](#) may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

(6)If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

(A)

the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

(B)

the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

(7)

Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United [States](#) shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

(m)If any of the property described in subsection (a), as a result of any act or omission of the defendant—

(1)

cannot be located upon the exercise of due diligence;

(2)

has been transferred or sold to, or deposited with, a third party;

(3)

has been placed beyond the jurisdiction of the court;

(4)

has been substantially diminished in value; or

(5)

has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).